

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

FRANKLIN XAVIER,

Petitioner,

vs-

UNITED STATES OF AMERICA,

Respondent.

No. 03-766 DRH

Criminal No. 01-30038 DRH

JUDGMENT IN A CIVIL CASE

DECISION BY COURT. This action came before the Court for a ruling on the petitioner's motion to vacate, set aside, or correct the sentence pursuant to **28 U.S.C. § 2255**.

IT IS ORDERED AND ADJUDGED that the motion is **DENIED** and this case is **DISMISSED** with prejudice.

NORBERT G. JAWORSKI, CLERK

June 7th, 2005

BY: s/Patricia Brown
Deputy Clerk

APPROVED: /s/ David RHerndon
U.S. DISTRICT JUDGE

EOD: _____